



General Assembly

January Session, 2005

Raised Bill No. 6667

LCO No. 3450

03450_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT IMPROVING THE CONTRACTOR PREQUALIFICATION PROGRAM ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 4b-91 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (d) On and after October 1, 2004, each bid submitted for a contract
5 described in subsection (c) of this section shall include a copy of a
6 prequalification certificate issued by the Commissioner of
7 Administrative Services. The bid shall also be accompanied by an
8 update statement in such form as the Commissioner of Administrative
9 Services prescribes. The form for such update statement shall provide
10 space for information regarding all bonded projects completed by the
11 bidder since the date the bidder's prequalification certificate was
12 issued or renewed, all bonded projects the bidder currently has under
13 contract, including the percentage of work on such projects not
14 completed, the names and qualifications of the personnel who will

15 have supervisory responsibility for the performance of the contract,
16 any significant changes in the bidder's financial position or corporate
17 structure since the date the certificate was issued or renewed, any
18 change in the contractor's qualification status as determined by the
19 provisions of subdivision (6) of subsection (c) of section 4a-100 and
20 such other relevant information as the Commissioner of
21 Administrative Services prescribes. Any bid submitted without a copy
22 of the prequalification certificate and an update statement shall be
23 invalid. Any public agency that accepts a bid submitted without a
24 copy of such prequalification certificate and an update statement, as
25 required by this section, shall be ineligible for the receipt of any state
26 funds disbursed for the purpose of the construction, reconstruction,
27 alteration, remodeling, repair or demolition of any public building or
28 any public works project.

29 Sec. 2. Subsections (a) to (f), inclusive, of section 4a-100 of the
30 general statutes are repealed and the following is substituted in lieu
31 thereof (*Effective from passage*):

32 (a) As used in this section: (1) "Prequalification" means
33 prequalification issued by the Commissioner of Administrative
34 Services to bid on a contract for the construction, reconstruction,
35 alteration, remodeling, repair or demolition of any public building for
36 work by the state or a municipality; (2) "subcontractor" means a person
37 who performs work with a value in excess of twenty-five thousand
38 dollars for a contractor pursuant to a contract for work for the state or
39 a municipality which is estimated to cost more than five hundred
40 thousand dollars; (3) "principals and key personnel" includes officers,
41 directors, shareholders, members, partners and managerial employees;
42 (4) "aggregate work capacity rating" means the maximum amount of
43 work an applicant is capable of undertaking for any and all projects;
44 and (5) "single project limit" means the highest estimated cost of a
45 single project that an applicant is capable of undertaking.

46 (b) (1) Any person may apply for prequalification to the Department

47 of Administrative Services. Such application shall be made on such
48 form as the Commissioner of Administrative Services prescribes and
49 shall be accompanied by a nonrefundable application fee as set forth in
50 subdivision (2) of this subsection. The application shall be signed
51 under penalty of false statement.

52 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

53 (c) The application form shall, at a minimum, require the applicant
54 to supply information concerning:

55 (1) The applicant's form of organization;

56 (2) The applicant's principals and key personnel and any names
57 under which the applicant, principals or key personnel conducted
58 business during the past five years;

59 [(3) The applicant's experience on public and private construction
60 projects over the past five years, or on the applicant's ten most
61 recently-completed projects and the names of any subcontractors used
62 on the projects;]

63 [(4)] (3) Any legal or administrative proceedings pending or
64 concluded adversely against the applicant or any of the applicant's
65 principals or key personnel within the past five years which relate to

66 the procurement or performance of any public or private construction
67 contract and whether the applicant is aware of any investigation
68 pending against the applicant or any principal or key personnel;

69 [(5)] (4) The nature of any financial, personal or familial relationship
70 between the applicant and any public or private construction project
71 owner listed on the application as constituting construction experience;

72 [(6)] (5) A statement of whether (A) the applicant has been
73 disqualified pursuant to section 4b-95, this section or section 31-57c or
74 31-57d, (B) the applicant is on the list distributed by the Labor
75 Commissioner pursuant to section 31-57a, (C) the applicant is
76 disqualified or prohibited from being awarded a contract pursuant to
77 section 31-57b, (D) the applicant has been disqualified by another state,
78 (E) the applicant has been disqualified by a federal agency or pursuant
79 to federal law, (F) the applicant's registration has been suspended or
80 revoked by the Department of Consumer Protection pursuant to
81 section 20-341gg, (G) the applicant has been disqualified by a
82 municipality, and (H) the matters that gave rise to any such
83 disqualification, suspension or revocation have been eliminated or
84 remedied; and

85 [(7)] (6) Other information as the commissioner deems relevant to
86 the determination of the applicant's qualifications and responsibilities.

87 (d) The applicant shall include a statement of financial condition
88 prepared by a certified public accountant which includes information
89 concerning the applicant's assets and liabilities, plant and equipment,
90 bank and credit references, bonding company and maximum bonding
91 capacity, and other information as the commissioner deems relevant to
92 an evaluation of the applicant's financial capacity and responsibility.

93 (e) Information contained in the application shall be current as of
94 the time of filing except that the statement of financial condition shall
95 pertain to the applicant's most recently-completed fiscal year. No
96 financial information contained in such application shall be subject to

97 disclosure under the provisions of section 1-210.

98 (f) The commissioner shall determine whether to prequalify an
 99 applicant on the basis of the application and on relevant past
 100 performance according to procedures and criteria set forth in
 101 regulations which the commissioner shall adopt on or before October
 102 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
 103 minimum, the record of the applicant's performance, including, but
 104 not limited to, written evaluations of the applicant's performance on
 105 public or private projects, [within the past five years,] the applicant's
 106 past experience on projects of various size and type, the skill, ability
 107 and integrity of the applicant and any subcontractors used by the
 108 applicant, the experience and qualifications of supervisory personnel
 109 employed by the applicant, the maximum amount of work the
 110 applicant is capable of undertaking as demonstrated by the applicant's
 111 financial condition, bonding capacity, size of past projects and present
 112 and anticipated work commitments, and any other relevant criteria
 113 that the commissioner prescribes. Such regulations shall also (1)
 114 provide that the criteria considered shall be assigned separate
 115 designated numerical values and weights and that the applicant shall
 116 be assigned an overall numerical rating on the basis of all criteria, and
 117 (2) establish prequalification classifications, aggregate work capacity
 118 ratings and single project limits. Such prequalification classifications
 119 shall be used to establish the types of work a contractor is qualified to
 120 perform and the aggregate work capacity ratings shall be used to
 121 establish the maximum amount of work a contractor is capable of
 122 undertaking.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4b-91(d)
Sec. 2	<i>from passage</i>	4a-100(a) to (f)

Section 1	<i>from passage</i>	4b-91(d)
Sec. 2	<i>from passage</i>	4a-100(a) to (f)

Statement of Purpose:

To improve the prequalification program by enhancing the requirement that state agencies use prequalified contractors and to amend provisions of the prequalification program so that it is more functional and efficient.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]